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SENATE BILL NO. 313

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on January 31, 2006)

(Patron Prior to Substitute—Senator Cuccinelli)

A *BILL to amend and reenact §§ 24.2-404, 24.2-427, and 46.2-208.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 4 of Title 24.2 a section numbered 24.2-410.1, relating to voter registration, duties of State Board of Elections and Department of Motor Vehicles, information pertaining to non-citizens, and cancellations of registrations.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-427, and 46.2-208.1 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding in Article 2 of Chapter 4 of Title 24.2 a section numbered 24.2-410.1, as follows:

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central record-keeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places.

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, or (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided by law.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 10 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system.

10. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The State Board shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.

§ 24.2-410.1. *Citizenship status; Department of Motor Vehicles to furnish lists of non-citizens.*

A. *The Department of Motor Vehicles shall include on the application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit,*

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60 *special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3*
61 *(§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to*
62 *§ 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates*
63 *a non-citizen status, the Department shall not offer that applicant the opportunity to apply for voter*
64 *registration. If the applicant indicates that he is a United States citizen and that he wishes to register to*
65 *vote or change his voter registration address, the statement that he is a United States citizen shall*
66 *become part of the voter registration application offered to the applicant. Information on citizenship*
67 *status shall not be a determinative factor for the issuance of any document pursuant to the provisions of*
68 *Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.*

69 *B. Additionally, the Department of Motor Vehicles shall furnish monthly to the State Board a*
70 *complete list of all persons who have indicated a non-citizen status to the Department in obtaining a*
71 *driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle*
72 *learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of*
73 *Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Board shall transmit the information from the list to*
74 *the appropriate general registrars. Information in the lists shall be confidential and available only for*
75 *official use by the State Board and general registrars.*

76 *C. For the purposes of this section, the Department is not responsible for verifying the claim of any*
77 *applicant who indicates United States citizen status when applying for a driver's license, commercial*
78 *driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special*
79 *identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et*
80 *seq.) of Title 46.2.*

81 *§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified*
82 *to vote.*

83 *A. Any registered voter may cancel his registration and have his name removed from the central*
84 *registration records by signing an authorization for cancellation and mailing or otherwise submitting the*
85 *signed authorization to the general registrar. When submitted by any means other than when notarized or*
86 *in person, such cancellation must be made at least twenty-nine days prior to an election in order to be*
87 *valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the*
88 *voter in person or by first-class mail that his registration has been canceled within ten days of receipt of*
89 *such authorization.*

90 *B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased*
91 *or disqualified to vote by reason of a felony conviction or adjudication of incapacity; and (ii) all*
92 *persons known by him not to be United States citizens by reason of reports from the Department of*
93 *Motor Vehicles pursuant to § 24.2-410.1; and (iii) all persons for whom a notice has been received,*
94 *signed by the voter or the registration official of another jurisdiction, that the voter has moved from the*
95 *Commonwealth. The notice received in clause (ii) shall be considered as a written request from the*
96 *voter to have his registration cancelled. A voter's registration may be cancelled at any time during the*
97 *year in which the general registrar discovers that the person is no longer entitled to be registered. The*
98 *general registrar shall mail notice of any cancellation pursuant to clause (ii) to the person whose*
99 *registration is cancelled.*

100 *C. The general registrar may cancel the registration of any person for whom a notice has been*
101 *submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out*
102 *in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that*
103 *the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such*
104 *cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and*
105 *the address at which he had most recently been registered in Virginia. No general registrar may cancel*
106 *registrations under this authority while the registration records are closed pursuant to § 24.2-416. No*
107 *registrar may cancel the registration under this authority of any person entitled to register under the*
108 *provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified*
109 *voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of*
110 *cancellation.*

111 *§ 46.2-208.1. Electronic transfer of information in Department records for voter registration purposes.*

112 *Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic*
113 *transfer of information from the Department's records to the State Board of Elections and the general*
114 *registrars for the purpose of voter registration as required by Chapter 4 of Title 24.2, including but not*
115 *limited to the purposes of § 24.2-410.1. Except as provided in § 24.2-444, the State Board of Elections*
116 *and the general registrars shall not make information provided by the Department available to the public*
117 *and shall not provide such information to any third party.*

118 **2. That the provisions of this act shall become effective on January 1, 2007.**